bsb

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 648 OF 2006

Nr. Yashwant Bala Angane ... Appellant

V/s

Mr. Mahadeo Laxman Sawant
(since deceased) through legal heirs;
& ors. ... Respondents

Mr. A.S. Khandeparkar i/by Khandeparkar & Associates for the appellant.

Mr. S.G. Karandikar for respondent Nos. 1A to 1D.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 10TH JULY, 2007.

P.C.:

1. The plaintiff had sought an injunction against the defendants obstructing his use of a house property and land appurtenant. Both the Courts below have held that the plaintiff is in possession of the suit house and not the suit land. The Tenancy Court has held that the plaintiff is not a tenant in respect of the suit land and, therefore, the Courts below have held that the plaintiff could not claim an injunction in respect of the suit land since he is not in possession of the same. No substantial question of law arise.

2. Appeal dismissed.

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